Meeting Summary

Biosolids Stakeholder Meeting for Proposed Rule Changes to 30 TAC Chapter 312

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Location: Building E, Agenda Room 201S
Date: October 30, 2017
Time: 1:30 PM

Action Items

- Clarify the existing prohibition on the land application of any mixture of domestic sewage sludge with grit trap or grease trap waste
- Clarify requirements to maintain buffer zones
- Clarify the applicability of an individual permit requirement for a processing facility
- Update metal concentration limits consistent with 40 Code of Federal Regulations Part 503
- Clarify the applicability of storage and staging requirements to domestic septage and water treatment plant residuals
- Add requirements for the land application of water treatment plant residuals consistent with longstanding TCEQ practice
- Clarify the notification requirement for landowners within ¼ mile of a Class B land application unit
- Include the use of the term "biosolids" as it pertains to beneficial land application of treated domestic sewage sludge (Class A, Class AB and Class B)
- Rename Water Treatment Plant Sludge as Water Treatment Plant Residuals
- Revise existing definitions as needed based on Stakeholder input

Q & A:

Q1: Is the staff open to any alternative writing of the rule to allow for the land application of grit and grease trap waste?

A1: We are looking for comments either for or against clarifying the rule to prohibit the land application of grit and grease trap waste.

Q2: Is it possible to get the rule relating to grit and grease trap waste to include language that excludes prohibition for composting grease trap waste covered under Chapter 332?

A2: It is already clear in Chapter 332 rules that composting of grease trap waste is allowed, however, we are only looking at potential changes to the Chapter 312 rules.

Q3: If I have a site with a personal residence, can I opt out of the buffer zone requirement?

A3: Yes, the required buffer zones in 312.44(c)(2)(D) and (E) may be reduced or eliminated if an agreement to that effect is signed by the owners.

Q4: Are the soil sampling requirements for nutrients once annually?

A4: Yes, nutrients should be sampled for once per year.

Q5: In addition to the grazing restrictions on a field, is there a harvesting restriction for the forages on that field?

A5: Yes, there is a 30-day harvesting restriction after land application that was adopted from 40 CFR Part 503.

Q6: Hay is usually cut every 28 days, so it will be hard to meet the 30-day harvesting restriction. If hay is cut shortly after land application, who monitors the harvesting restriction for compliance?

A6: The harvesting restriction is part of the permit or registration and it is the responsibility of the permittee of registrant to stay in compliance with their permit or registration. If a complaint is received, the regional office will investigate and the permittee or registrant may be cited with a violation.

Q7: What about requiring game proof fencing around facilities to ensure wildlife does not graze on land and subsequently become consumed by hunters?

A7: That is contrary to the change we are proposing, which is to change the words “animals must not be allowed to graze” to “domesticated livestock must not be allowed to graze.” If that is a change you would like to see, please submit the suggestion and we will take it into consideration.

Q8: What effect does the domestic septage have on the wildlife if they graze after the domestic septage has been treated? What is the 30-day waiting period for?

A8: The 30-day harvesting or grazing restriction is to allow for the material to be broken down and nutrients to be taken-up by the crops.

Q9: Does the current definition for harvesting say “and cutting” or does it say “or cutting”? If it says “or” then once you cut it it’s been harvested.

A9: The definition of harvesting says “and/or.”

Q10: What is your timeline for the rule changes?

A10: We will be putting everything up on the website. The deadline for informal comments is December 15, 2017. We will then evaluate those comments and put together a plan for the proposal. From there, the proposal will go to agenda for approval. Once approved, the new rule language will be posted on the Texas Register. We will also post the proposal on the website. Next, we will open up for formal comments.

Q11: Can one submit comments that touch on Chapter 312 issues that weren’t brought up at the stakeholder meeting?

A11: Yes, everything is open for comment.

Q12: When you talk about bringing domestic septage out from under sewage sludge, you are not intending any other substantive changes to the domestic septage rules?

A12: Yes, that is correct. There are no other changes proposed.

Q13: Going into the proposal, does the agency have a position on the buffer zone changes?

A13: The agency currently addresses buffer zone issues upon renewal or during a permit action, such as an amendment to the permit or registration, but we would like to evaluate all comments before we take an official position on the issue.

Q14: A few years back there was a situation in Burnet County where domestic septage was being land applied adjacent to two rock quarries. The Agency approved the registration permit, but a Motion to Overturn was filed. The commission granted the motion. Ultimately, the applicant withdrew the application. Is this issue being looked at in any way?

A14: We do not have the specifics of that registration at this time. If you would like to make a comment on that issue, we will consider it and make any appropriate clarifications necessary.

Q15: What about when a field is shredded instead of harvested within the 30-day period after application?

A15: A typical agricultural practice is to shred a field at the end of a growing season without removing the material. We do not consider that activity to be harvesting.

Q16: Can you provide clarification on which issues the agency is seeking input on relating to septage processing?

A16: Currently, our rule language requires a permit for processing to meet pathogen reduction (PR) and vector attraction reduction (VAR) requirements. We would like comments either for or against our proposal to clarify this requirement. Additionally, those that feel they may be engaging in a similar activity to processing, but not to meet PR or VAR, should submit their comments on the proposed rule changes.

Q17: Are the rule changes being discussed affecting all activities regulated by Chapter 312?

A17: No, not all the activities regulated by Chapter 312 will be affected by the rule changes.

Q18: Are there provisions in the rule that would apply to land application within a floodplain and is the agency considering rule revisions based on the recent extreme storm events?

A18: There are rules prohibiting land application within a floodway. There are currently no prohibitions against land application within a floodplain, but we will consider any comments on the matter.

Q19: Has there been any discussion or consideration on factoring in the wind when land applying dry biosolids material?

A19: In § 312.44 there are provisions stating that nuisance conditions and dust migration from the site and roadways must be prevented from occurring, but there is not a wind threshold for which land application must not occur if exceeded. Any nuisance conditions or dust migration witnessed should be reported to the TCEQ Regional Office for further investigation.

Q20: Is there language being considered that provides for any air quality assessment or evaluation by some scientific measure to determine if harmful odors are being transferred beyond the 750-foot buffer zone and what triggers an odor investigation?

A20: When the TCEQ Regional Office is contacted regarding and odor issue, trained staff will investigate for frequency, intensity, duration, and offensiveness (FIDO) of odors. In 2014, there was consideration for a rule change requiring instrumentation to evaluate odors at land application sites, but based on stakeholder feedback no rule changes occurred.

Q21: Is the 750-foot buffer zone in the rule or is it in statute?

A21: It is in the rule.

Comments:

C1: We strongly support clarification of this rule (grit and grease trap waste).

Cs: The word harvest might not necessarily mean the day that you cut it, it might mean the day that it is removed from the site or hauled off. The land may be worked in some way by machinery after it has been applied on but the forage may not be removed or harvest for 30 days.

C3: I would challenge the concept that removal indicates harvest. Harvest would mean the time that product is cut.

C4: The definition of harvest should include cutting the hay crop in any manner including shredding. Without this clarification, a site could shred the field to avoid the 30-day rule and allow the permit holder to never actually bail hay which is the basis for the permit being issued.